

JANAH & ASSOCIATES, PC
650 Delancey Street, Suite 106
San Francisco, California 94107 U.S.A.

RECEIVED
CENTRAL FAX CENTER

NOV 10 2005

VIA FACSIMILE

ATTENTION: Examiner Nguyen
FIRM/CO. NAME: U.S. Patent and Trademark Office
GROUP UNIT NO: 2823
FAX NO: 571-273-8300
FROM: Ashok K. Janah
DATE: November 10, 2005
AMAT REFERENCE NO: 7034 P03 USA/DSM/BCVD/JW
OUR REFERENCE NO: 7034 P03

TOTAL NUMBER OF PAGES 4 (INCLUDING COVER PAGE)

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL Christy

BUSINESS PHONE: (415) 538-1555 FACSIMILE NO.: (415) 538-8380

MESSAGE:

Examiner Nguyen:

Attached is a Notice of Appeal in response to the Advisory Action dated September 15, 2005.

Kind regards,

Christy Hennigan

RECEIVED
OIPE/IAP

NOV 14 2005

CONFIDENTIALITY NOTICE: The documents accompanying this facsimile transmission contain privileged and confidential information. Do not disclose or discuss this information with anyone other than those identified above. Unauthorized disclosure is strictly prohibited. If you receive this facsimile in error, please notify us by telephone immediately.

RECEIVED
CENTRAL FAX CENTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 10 2005

In re Application of: Cui et al.	Group Art Unit: 2823
Application No: 10/824,313	Examiner: NGUYEN, Khiem D.
Confirmation No: 5975	Attorney Docket No:
Filed: April 13, 2004	007034 P03 USA/DSM/BCVD/JW
Title: ELECTRON BEAM TREATMENT OF Si _x N _y FILMS	November 10, 2005 San Francisco, California

NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313

VIA FACSIMILE
(571) 273-8300

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated October 12, 2005 of the Primary Examiner finally rejecting claims 1, 11, and 18.

☒ The enclosed document is being transmitted via facsimile provisions of 37 C.F.R. § 1.8a.

The applicant(s) hereby petition(s) for an extension of three (3) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

☐ NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$0.00 is required for the full period of the above-requested extension of time.

☒ An extension of one(1) month for responding to the Final Rejection was previously requested and paid for on September 20, 2005. Thus to obtain a three month extension of time, the paid one month fee \$120 is subtracted from the three month fee of \$1020 to obtain \$900 which is being submitted herewith.

11/14/2005 LWONDIN1 00000020 100258 10824313

01 FC:1253 900.00 DA
02 FC:1401 500.00 DA

NK.103.10
Application No: 10/141,032
Page 2 of 2

☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

☒ Large entity - \$500.00

☐ Small Entity - \$250.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$500.00.

Payment of the above TOTAL FEE is being made in the following manner:

☐ Check(s) in the amount of \$0.00 is enclosed.


☒ Please charge Deposit Account No. 10-0258 in the amount of \$1400.00.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 10-0258 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,
JANAH & ASSOCIATES, P.C.

Date: November 10, 2005

By: _____


Ashok Janah
Reg. No. 37,487

AKJ/clh

Please direct all telephone calls to: Ashok K. Janah at (415) 538-1555.

Please continue to send correspondence to:

Applied Materials, Inc.
Patent Department, M/S 2061
P.O. Box 450A
Santa Clara, CA 95052

S:\CLIENT\APPLIED\EBP\7034.p3\Notice.of.Appeal.doc

RECEIVED
CENTRAL FAX CENTER

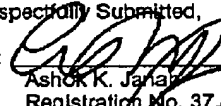

NOV 10 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cui et al. Application No: 10/824,313 Confirmation No: 5975 Filed: April 13, 2004 Title: ELECTRON BEAM TREATMENT OF Si _x N _y FILMS	Group No: 2823 Examiner: NGUYEN, Khlem D. Attorney Docket No: 007034 P02 USA/DSM/BCVD/JW Thursday, November 10, 2005 San Francisco, CA 94107
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------

Commissioner for Patents VIA FACSIMILE: (571) 273-8300	Extension of Time <input checked="" type="checkbox"/> Applicant petitions for an extension of time under 37 C.F.R. 1.136	
Papers Enclosed <input type="checkbox"/> Amendment <input type="checkbox"/> Declaration <input type="checkbox"/> 0 Drawings <input type="checkbox"/> Supplemental Information Disclosure Statement <input type="checkbox"/> PTO-1449 Form <input type="checkbox"/> Citations <input checked="" type="checkbox"/> Notice of Appeal <input type="checkbox"/> Postcard for Return	Extension (Months)	Extension Fee
		Large Entity Small Entity
	<input type="checkbox"/> One Month	\$120.00 \$60.00
	<input type="checkbox"/> Two Months	\$450.00 \$225.00
	<input checked="" type="checkbox"/> Three Months (less \$120, previously paid)	\$1,020.00 \$510.00
	Total \$ 900.00	
	<input type="checkbox"/> Applicant believes that no extension of term is required. However, this conditional petition is being made in case applicant has inadvertently overlooked the need for a petition for extension of time.	

Fees for Extra Claims						
	Claims remaining after amendment	Highest number previously paid for	Number Extra	Rate		Additional Fee
				Large Entity	Small Entity	
Total Claims	30	30	0	\$50.00	\$25.00	\$0.00
Independent Claims	5	5	0	\$200.00	\$100.00	\$0.00
Multiple Dependent Claims			0	\$360.00	\$180.00	\$0.00
Supplemental Information Disclosure Statement						
Total						\$0.00

Fee Payment		Fee Deficiency	
Extension Fees	\$900.00	<input checked="" type="checkbox"/> If any additional extension and/or fee is required, please charge Deposit Account No. <u>10-0258</u> .	
Fees for Extra Claims	\$0.00	and/or	
Notice of Appeal Fee	\$500.00	<input checked="" type="checkbox"/> If any additional fee for claims is required, please charge Deposit Account No. <u>10-0258</u> .	
Total	\$1400.00		
<input type="checkbox"/> Attached is check no. _____ in the sum of \$0.00. <input checked="" type="checkbox"/> Please charge Deposit Account No. <u>10-0258</u> in the sum of <u>\$1400.00</u> .		Please direct telephone calls to: Ashok K. Janah at (415) 538-1555 Please continue to send correspondence to: Applied Materials, Inc. Patent Department, M/S 2061 P.O. Box 450A Santa Clara, CA 95052	
CERTIFICATE OF TRANSMISSION (37 C.F.R. § 1.8a): I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office at (571) 273-8300 on the date shown below.		Respectfully Submitted, By:  Ashok K. Janah Registration No. 37,487	
By:  Christy Hennigan		Date: <u>November 10, 2005</u>	